

NAYS—Senators Ball, Brown, Burton, Crain, Hobby, Ledbetter, McLeary, McCormick, Motley, Storey, Thompson—11.

Senator Martin moved to reconsider the vote by which Senator Storey's amendment was adopted.

Senator Crain moved to lay Senator Martin's motion on the table.

Lost by the following vote:

YEAS—Senators Crain, Edwards, McLeary, Storey, Thompson—5.

NAYS—Senators Ball, Blassingame, Brown, Burton, Douglass, Ford, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Terrell, Wortham—21.

Senator Martin's motion to reconsider the vote adopting Senator Storey's amendment was carried by the following vote:

YEAS—Senators Blassingame, Douglass, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Thompson, Wortham—18.

NAYS—Senators Ball, Brown, Burton, Crain, Edwards, Ledbetter, McLeary, Storey, Terrell—9.

Senator Martin moved to adjourn until to-morrow morning at 10 o'clock.

Senator McLeary moved to amend by inserting, "9 o'clock," in lieu of "10."

Accepted.

Senator Crain moved to substitute by inserting, "until 9:59 A. M."

Adopted, and the Senate adjourned to that hour.

### THIRTY-SECOND DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, May 25, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by Rev. Mr. Stanton, Chaplain of the House.

Journal of yesterday read and adopted.

Senator Storey in the chair.

On motion of Senator Douglass, Senator McCormick was granted leave of absence for six days from Monday next.

Senator J. R. Henry presented the petition of numerous citizens of Navarro county, "solemnly protesting against the cutting off of any part of their county, for the formation of a new county, particularly off of the southern portion of the county."

Read and referred to the Committee on Counties and County Boundaries.

Senator McLeary, Chairman of Committee on State Affairs, submitted the following reports:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate Bill No. 98, entitled, "An Act to provide annual pensions for the surviving soldiers of the Texas Revolution, and the surviving signers of the Declaration of Texan Independence, and to the surviving widows of such soldiers and signers," have had the same under consideration, and instruct me to report the bill back to the Senate with the following amendments, and recommend its passage, as amended.

In Section 1, strike out all after the word, "1837," in line 8, up to the word, "and," in line 10.

In Section 7, lines 11 and 12, strike out all after the word, "applicant."

Strike out Section 9, and insert the following as a substitute:

"The applicant shall, at the filing of his application, deposit with the court, ten dollars, which, on establishing his claim, shall be refunded to him, and on his failing so to do, shall be applied as in the preceding section."

In Section 12, line 4, after the word, "year," insert, "accompanied by the affidavit of two witnesses, as to the identity of the pensioner, and the certificate of the County Judge, and County Clerk, under seal of the court, that the pensioner is still living."

Add the following sections to the bill:

"SEC. 15. The pension granted under this act shall commence on the 1st day of July, 1876, and be paid in advance.

"SEC. 16. No person who is not a resident of this State shall have the benefit of this act.

"SEC. 17. The necessities of the old veterans creates such emergency that this act shall take effect from and after its passage."

Amend last line of Section 1, by inserting, "\$120," instead of, "\$150."

MCLEARY, *Chairman.*

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on State Affairs, to whom was referred Senate Bill No. 170, entitled, "An Act to amend an act to regulate the practice of medicine," passed May 16, 1873, have had the same under consideration, and instruct me to report the bill back to the Senate, with the following amendments, and recommend its passage, as amended:

Change the caption of the bill and make it read, "An Act to regulate the practice of medicine."

In Section 3, after the word, "act," in line 40, add the words, "which certificate shall entitle him to practice anywhere in this State."

In Section 3, line 42, strike out the words, "twenty-five," and insert, "fifteen."

In Section 4, line 13, add after the word, "time," the words, "the temporary license shall cease, but."

In Section 4, line 7, add after the words, "said meeting," the words, "by publication in some paper published in the judicial district."

Strike out Section 5, and insert the following substitute:

"Provided, that nothing in this act shall be so construed as to apply to those who have been regularly engaged in the general practice of medicine in this State, in any of its branches or departments, for a period of five consecutive years in their respective counties, prior to 16th of May, 1873; nor to females who follow the practice of midwifery strictly as such."

Strike out Section 6, and insert "An Act entitled, 'An Act to regulate the practice of medicine, passed May 16, 1873, and other laws or parts of laws in conflict herewith, are hereby repealed.'"

MCLEARY, *Chairman.*

Senator Ball, Chairman of the Committee on General Land Office, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on the General Land Office, to which was referred

House Bill No. 99, entitled, "An Act to regulate the fees to be charged by the Commissioner of the General Land office," have had the same under consideration, and after a careful examination of said bill, instruct me to report the same back to you, and recommend that it do not pass, for the following reasons:

*First*—Because it appears from the reports of the Comptroller and the Commissioner of the General Land Office, that for the fiscal year ending August 31, 1875, there was a net revenue from said office, under the existing tariff of fees, of \$3,956.05; and your committee are further of the opinion that the existing schedule of fees will support all the expenses of the General Land Office in the future.

*Second*—Because the passage of this bill would work a great hardship on a large class of poor people in this State, viz: the pre-emptors.

All of which is most respectfully submitted. BALL, *Chairman*.

Senator Wortham, Chairman of the Committee on Public Printing submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Public Printing, to whom was referred a resolution instructing the committee to inquire into the propriety of including the printing of the Judicial Department under the terms of the law requiring printing to be let by contract to the lowest bidder, beg leave to report that they have discharged the duty imposed, and that after mature deliberation of the subject, have concluded that it would be undesirable to pass any law interfering with the present mode of disposing of the printing for the judicial department.

WORTHAM, *Chairman*.

Senator Thompson introduced a bill entitled, "An Act to provide for the archiving of certain criminal cases in the District and County Courts."

Read and referred to Judiciary Committee No. 2.

Senator Motley introduced a bill entitled, "An Act to provide for the payment of physicians in certain *post mortem* examinations and chemical analyses."

Read and referred to the Committee on State Affairs.

Senator Brady introduced a bill entitled, "An Act to regulate the respective duties of the District Attorney for the Criminal District Court of the counties of Galveston and Harris, and the County Attorney of Harris county."

Read and referred to Judiciary Committee No. 1.

Senator Piner introduced a bill entitled, "An Act to provide for supplying lost records in certain cases."

Read and referred to the Judiciary Committee No. 2.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared Senate Bill No. 109, "An Act to regulate juries in civil cases," and find the same correctly engrossed. Respectfully submitted,

STEPHENS, *Chairman*.

The President in the chair.

A message was received from the House, announcing the passage by that body of the following bills:



House Bill No. 68: "An Act to provide for refunding money paid into the State Treasury, in certain cases."

House Bill No. 100: "An Act to prevent the removal of rock, slate, coal or minerals, from the premises of another, and prescribing a punishment therefor."

House Bill No. 112, "An Act to amend Articles 540 and 541 of the code of criminal procedure of the State of Texas."

House Bill No. 141: "An Act to authorize the Secretary of State to employ extra Clerks in his office, and to make appropriation to pay the same."

The passage of the following concurrent resolution was also announced:

WHEREAS, Under the present Constitution of this State, it is the imperative duty of this Legislature to enact many certain laws named in said Constitution; and whereas, the time of this session of this Legislature is virtually limited to ninety days from its beginning; therefore, in order that we may come directly and systematically to the work required by the Constitution,

SECTION 1. *Be it resolved by the House of Representatives of the State of Texas, the Senate concurrent,* That it be and is hereby made the duty of each standing committee of the Legislature to ascertain at once what bill or bills are necessary to enact the laws required by the Constitution, coming under its respective head, and report the same to the Legislature, immediately, by bill or otherwise; and to secure harmonious action as far as possible in the two Houses of this body, the corresponding committees of the House and Senate be requested to confer together in regard to the matter here provided.

After publicly reading their captions, the President, in open Senate, signed the following bills:

Senate Bill No. 35—"An Act to define and regulate the duties of County Clerks throughout the State."

House Bill No. 83—"An Act making an appropriation to pay Capt. McNelly's company, volunteer militia, for sixteen months' service on the Rio Grande, to July 1, 1876."

House Joint Resolution No. 210—"Joint Resolution granting leave of absence to Judge Gustave Cook."

The unfinished business, being substitute for Senate Bills Nos. 2 and 44, "An Act to organize County Courts and define their powers and jurisdiction," was taken up.

The pending amendment of Senator Storey, which had been reconsidered, and was pending on adjournment on yesterday, was as follows:

Insert between lines 16 and 15, the words, "and concurrent jurisdiction with Justices of the Peace in cases where the amount in controversy shall exceed one hundred dollars, and be less than two hundred dollars, exclusive of interest."

Senator McLeary in the chair.

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

*Hon. R. B. Hubbard, President of the Senate:*

Your Committee on Enrolled Bills have carefully examined, compared and find correctly enrolled Senate Bill No. 35: "An Act to define and regulate the duties of County Clerks throughout the State." The

same has been properly signed and presented to the Governor, this day at 11:15 o'clock A. M., for his approval. GRACE, *Chairman*.

The President in the chair.

Senator Grace moved to adjourn until 10 o'clock A. M., to-morrow.

Lost by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Ford, Grace, Henry J. R., Henry F. M., Martin, McCormick, Motley, Piner—11.

NAYS—Senators Ball, Burton, Crain, Douglass, Edwards, Guy, Hobby, Ledbetter, McLeary, McCulloch, Moore, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—17.

Senator McLeary moved the previous question, which was sustained, and the main question was ordered.

Senator Grace moved a call of the House.

Senator Thompson raised the point of order, "that the call of the House was not in order when the main question was pending.

The chair decided the point of order well taken.

The main question which was the pending amendment of Senator Storey was put and lost by the following vote:

YEAS—Senators Ball, Brady, Crain, Douglass, Edwards, Hobby, Ledbetter, McLeary, Storey, Terrell, Wortham—11.

NAYS—Senators Blassingame, Burton, Brown, Ford, Grace, Guy, Henry J. R., Henry F. M., Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Thompson—17.

The bill was ordered engrossed by the following vote:

YEAS—Senators Blassingame, Brown, Burton, Douglass, Edwards, Grace, Guy, Henry J. R., Henry F. M., Martin, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Stephens, Thompson, Wortham—19.

NAYS—Senators Ball, Brady, Crain, Ford, Hobby, Ledbetter, McLeary, Storey, Terrell—9.

Senator Edwards moved to reconsider the vote passing substitute for Senate Bills Nos: 2 and 44, to engrossment.

On motion of Senator Martin, the Senate adjourned until to-morrow at 10 o'clock A. M.

### THIRTY-THIRD DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, MAY 26, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday read and adopted.

Senator Crain presented the petition of citizens of Indianola, Texas, against the levying of occupation taxes, or the repeal of the law requiring such taxes to be collected.

Read and referred to the Committee on Finance.

A message was received from the House, announcing the passage by that body of the following bills:

House Bill No. 35—"An Act to make persons liable for damages to the owner for buying stolen property after nightfall."

House Bill No. 88—"An Act to prohibit the sale, exchange or gift of intoxicating liquors in any county, Justice's precinct, city or town in this State that may so elect; prescribing the mode of election, and affixing a punishment for its violation."